

REMARKS

The Examiner has rejected claims 1-29 under 35 U.S.C. §102(e) as anticipated by US Patent Publication 2005/0159970 to Buyukkoken et al. having a priority date of 1/24/2004. In the Examiner's Response to Amendment, insufficiencies in the declaration of Mark Sylvester filed with the Amendment and Response to Office Action dated 12/15/2006 were noted. An additional declaration of Mark Sylvester, one of the named inventors for the present application, is filed under 37 C.F.R. §1.131 concurrently herewith. As cited therein, the present invention was conceived in December 2002 with development for initial testing completed by February 2003. A system providing an initial experimental demonstration of the invention, known by the trademark INTRO™, was deployed for use at the TED Conference beginning on February 25, 2003. A paper describing the INTRO™ system (referred to hereinafter as "the Paper") which incorporates the invention disclosed in the Application was presented by the inventors of the Application at the MAX 2003 Macromedia Development Conference held November 19, 2003 through November 21, 2003. The applicants respectfully swear behind the cited Buyukkoken et al. reference in view of the evidence presented in the declaration. Each of the elements or steps of the independent claims of the application are fully supported as conceived and reduced to practice prior to the filing date of Buyukkoken et al.

As presented in the declaration of Mark Sylvester, the Paper discloses in Figure 1 the login screen which is substantially identical to the drawing presented in the Application as FIG. 1a and in Figure 2 the login screen with the high lighted submit button activated as presented in FIG. 1b of the Application. These figures with associated description in the text provide exemplary embodiments which correspond to the first element of claim 1 of the Application for "means for entering login data for a user" and the initial step of claim 15 of the Application for "receiving login data entered by a user".

Figure 3 of the Paper discloses the screen for basic profile data entry presented in the application as FIG. 3b. The basic structure of the accordion features are shown at the bottom of the figure and described in the immediately preceding text which are shown in the Application in unexpanded form as FIG. 3a. These figures and the corresponding description in the text disclose exemplary embodiments of the second element of claim 1 "means for inputting basic user profile data elements".

Description in the text of the Paper below Figure 3 discloses the “Talk to Me About fields” in the second accordion layer and the “affinity sliders” which correspond to the element “means for receiving user characteristics data” for both the “means for text entry” and “means for proportional selection” required in claim 1 as shown in FIG. 4 of the Application. The sliders are an exemplary embodiment of the proportional selection means defined in claim 2 and are further described in the Paper with respect to Figure 7. This disclosure also provides an embodiment for the limitation in claim 16 of “wherein the proportional selection includes the step of providing a slider associated with a predetermined term...”

The next text paragraph in the Paper describing the third and fourth accordion layers and the “sandbox” provides exemplary embodiments of the elements claimed in claims 3 and 4, “a sandbox for receiving a plurality of attributes selectable by the user” and “a plurality of proportionality bins in which the selected attributes are place”, and shown in FIG. 5a. These elements also correspond to the step of “providing a plurality of attributes selectable by the user for placement in a sandbox” in claim 17.

Figure 4 and the accompanying text in the Paper regarding the Visualizer disclose an element of the embodiment corresponding to FIG. 7 of the Application and associated description and the element of claim 1 for “Means for displaying a representation of the universe of data as single pints in a multidimensional relation to a point representing the data of the particular user”. Figure 5 of the Paper and the immediately following text disclose an element of the embodiment corresponding to FIG. 8 of the application with its associated description which provides a basis for the further limitation in claim 1 of “the displaying means scalable in range form the entire universe of data to data for users in a close neighborhood of the particular user’s profile” and the step in claim 15 of “displaying a representation of the universe of data as single pints in multidimensional relation to a point representing the data of the particular user”.

Figure 6 and text intermediate Figures 5 and 6 in the Paper provide exemplary embodiments of and correspond to FIG. 9 of the Application and disclose the final element of claim 1, “means for expansion of a selected one of the single points for display of the profile and characteristic data of the user associated with the selected one single point” and the limitation on the step in claim 15 of “the display scalable in a range

from the entire universe of data to data for users in a close neighborhood of the particular user's provide and characteristic data".

The system described in the Paper was fully operational at the MAX 2003 Macromedia Development Conference held November 19, 2003 through November 21, 2003 with all of the features described which correspond to a full reduction to practice of the invention as claimed in claims 1 and 15. Selected portions of code disclosed in the Paper below Figure 3 and included in the operational system correspond to the code disclosed in the Application as Table 1 and Table 2.

Inventors on the present application Mark Sylvester and Kymberlee Wyle constituted the initial and only employees of Mixed Grill, L.L.C., the initial assignee of the application and invention, and numerous trade shows and customer presentations of systems employing the invention after the TED and MAX 2003 conventions referenced in paragraphs 2 and 3. Four conferences were attended with over 5000 users employing the system after the TED conference. The present invention was initially disclosed for preparation of a patent application on 7/23/2003. The Application was filed on 2/20/2004. Drawings for the application were prepared and provided by inventor Mark Sylvester in addition to his ongoing duties with the company. In view of the workload of the inventors and the ongoing marketing and commercialization of the invention, the applicants respectfully contend that they were diligent in preparing and filing the present patent application.

The applicants contend that declaration submitted herewith meets all requirements identified by the Examiner in his Response to Amendments and entry of this declaration and withdrawal of the rejection of claims 1-29 under 35 U.S.C. 102(e) based on Buyukkoken et al. is respectfully requested. The applicants believe that all claims in the application are now in condition for allowance.

Respectfully submitted,

/Felix L. Fischer/

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Felix L. Fischer
Reg. No. 31,614
1607 Mission Drive, Suite 204
Solvang, CA 93461
Telephone: 805-693-0685
Fax: 805-693-0735